4: Joseph et al D, E-5 (1942-1943) 1949
NU28 Papago NU28

646 be rushed or pushed into action. If these qualities are respected by government representatives, they are more likely to gain the support and active participation of the council in their common responsibility—the welfare of the Papago.

THE TRIBAL COURT

671 Off the reservation Indians are subject to state and local law. On their reservations they are subject to federal law in regard to ten major crimes: murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, larceny, incest, and robbery. All other offenses are dealt with according to the tribal law.[9]

The Papago code of law and order, drawn up by a committee of the tribal council,[10] is in the main a codification of the old laws and customs of the people. However, it includes several white innovations such as the requirement of a marriage license and ceremony and provision for probating estates and appointing guardians.

692 On the Papago reservations law is administered by a tribal court and Indian police. The tribal court is presided over by Indian judges whose appointment by the superintendent must be approved by the tribal council. The constitution provides for three judges in all, but at the time of this study there was only one on the main Reservation and one at San Xavier.

626 696 681 674 As noted in chapter iv, many difficulties which might come to court are settled within the family without recourse to law, or are taken to the village court. Since the Papago are a law-abiding people, not many cases come up for trial. In one year only 116 were on record, the majority cases of drunkenness. The usual sentence is a number of days in jail. The normal Papago does not like such a sentence, for he does not like to have "people talk," as they do when someone is behind bars. Thus the diffuse sanctions of public opinion are important in maintaining the legal sanctions.

693 Indian judges and police are not in a particularly happy position. Several past incumbents criticized for favoring kinsmen or people of their own religious denomination resigned. At the time of this study, one of the judges nominally a Presbyterian apparently was not accused of partiality.

DISTRICT COUNCILS AND COURTS

631 634 657 According to the tribal constitution, the district is the basic unit of government, with an elected council and a court. Actually, however, as indicated in preceding sections, this white pattern of government has not really taken root

9. Or, in the absence of such a code, according to a code of laws for Indians embodied in U.S. Code, Title 25.

10. Approved 1945.